REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	28 October 1999
Name of applicant/court:	The District Court at Auckland
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Fam 14
Other Known Titles:	Photos\Family\Fam 14
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Computer Image File
Country of Origin:	Not Applicable
Language:	Not Applicable

Components of film originally examined: Not Applicable.

Feature: Running time:

Trailers: Running time:

Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The computer image file entitled *Fam 14* is classified as:
Objectionable.

The JPEG computer image file is one of a total 280 computer image files stored on a Jaz disk and submitted together. The file contains one full colour photograph. The image explicitly depicts four fully naked people on or near a bed, engaged in sexual activity. A girl of around 12 years of age faces and straddles an adult male who is on his back, in a position for intercourse. Another girl who may be between 13 and 15 years of age holds his erect penis in or near the younger girl's vagina while also spreading one of her buttocks. An adult female spreads the younger girl's other buttock.

The computer image file promotes and supports the exploitation of children and young persons for sexual purposes, deeming the publication objectionable under s3(2) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act). Given the characteristics of the publication, the Classification Office considers that the main purpose of the image file is the titillation or sexual arousal of adults with a prurient interest in children and young persons. The sexual activity appears to be incestuous in nature, an interpretation of the image that is suggested by the title in association with the content of an adult male, an adult female, and children or young persons participating in sexual activity. The group is readily interpreted as 'family'. The effect of this apparent intended reading of the image is to intensify the degree to which the subjects are exploited for sexual purposes.

The JPEG image file format has significant implications for the intended or likely use of the publication. This digitised format allows for optimal reproduction qualities of photographic images. The format facilitates proliferation and wide distribution of the image nationally and internationally among similarly oriented individuals, by private, electronic transmission to suitably equipped and networked computers.

Referring to New Zealand Bill of Rights Act 1990 issues, the application of s3(2) of the FVPC Act deems the publication objectionable. The limit on freedom of expression resulting from the classification is demonstrably justified and prescribed by law.

OFLC Ref: 9901173